IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9418 OF 2005

Arvind Pandurang Vartak Petitioner

versus

Dr.T.D.Sharma Respondent

Shri S.A.Vaidya for petitioner.

Ms.Jaymala i/by Prashant Pandit for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd January 2006

PC :

1. Heard learned advocates appearing for parties. Perused the order passed by the Trial Court dismissing the Chamber Summons. Also perused the affidavit filed by Ashutosh Dubey, Advocate. In my view, the Trial Court should not have proceeded hastily but should have adjourned the Chamber Summons to a further date. Be that as it may, both sides agree before me that no prejudice will be caused if the Chamber Summons is taken up by this Court itself and disposed of by consent. The learned advocate for the

original defendant-respondent before me does not object to the amendments proposed to be carried out to the plaint which only seek to incorporate the documents which have been traced by the plaintiff subsequent to institution of the suit. Accordingly, Chamber Summons No.1290 of 2005 in S.C.Suit No.2824 of 2005 is granted in terms of prayer clause (a). Amendment to be carried out within a period of two weeks from today. The prayer to implead the Collector, Mumbai, however, is not pressed and the Chamber Summons stands dismissed to that extent. Amendment to be carried out within a period of two weeks. Petitioner to pay costs quantified at Rs.1,500/- to the respondent. Petition disposed of.

(S.C.DHARMADHIKARI, J.)